

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHAZ PERRY, et al., )  
vs. )  
CITY OF NEW YORK and THE FIRE ) Civil Action No. 1:13-cv-01015  
DEPARTMENT OF THE CITY OF )  
NEW YORK, )  
Plaintiffs, )  
Defendants, )  
\_\_\_\_\_  
)

**ORDER ON POST-JUDGMENT INTEREST, BACKPAY, AND POST-JUDGMENT  
ATTORNEYS' FEES AND COSTS**

In accordance with the Court's Order of December 23, 2019, and the entire record in this case, including: the jury's October 24, 2019, verdict in favor of Plaintiffs (Dkt. 269); the Court's August 5, 2021, Opinion and Order denying Defendants' post-trial motions (Dkt. No. 332); the September 15, 2023, Mandate and accompanying Opinion of the United States Court of Appeals for the Second Circuit upholding the jury's verdict (Dkts. 342 and 342.1); and the Final Judgment (from which the appeal was taken) requiring Defendants to pay post-judgment interest commencing on February 5, 2020, pursuant to 28 U.S.C. § 1961 (Dkt. 313), and given that the City paid all liquidated damages and pre-judgment attorneys' fees and costs in accordance with the original Judgment (Dkt. 313) in the amount of **\$10,541,550.00** on October 16, 2023, it is hereby **ORDERED, ADJUDGED, and DECREED:**

(1) On or before **November 24, 2023**, Defendants shall pay backpay in the amount of **\$7,238,513.00** in accordance with Exhibit A attached to the original Judgment (Dkt. 313) to all active Plaintiffs through direct deposit, and to inactive Plaintiffs by over-

night mailing such backpay checks, along with a listing of all inactive Plaintiffs, to McGillivary Steele Elkin LLP;

- (2) On or before **November 24, 2023**, Defendants shall pay Plaintiffs post-judgment attorneys' fees and expenses in the amount of **\$636,041.73** as fully supported by Plaintiffs' unopposed Motion for Supplemental Award of Attorneys' Fees and Expenses, accompanying memoranda, detailed billing statements, expense reports, and declarations (Dkts. 344, 350);
- (3) On or before **November 24, 2023**, Defendants will pay McGillivary Steele Elkin LLP post-judgment interest, calculated in accordance with 28 U.S.C. § 1961, in the amount of **\$1,016,081.85** (constituting **\$595,228.73** in post-judgment interest through October 16, 2023, on the liquidated damages and on the pre-judgment fees and expenses paid by Defendants on that date, and **\$420,853.12** in post-judgment interest through November 24, 2023, the date that Defendants will pay the backpay owed)<sup>1</sup> for distribution to Plaintiffs in accordance with Plaintiffs' agreements with Plaintiffs' counsel;
- (4) The Parties shall notify the Court when all payments have been made by Defendants pursuant to this Order, at which time, this case will be dismissed.

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<sup>1</sup> In the event that Defendants pay all backpay on October 27, 2023, the total amount of interest it shall pay on that date is \$1,007,372.84 (i.e., \$595,228.73 in interest on the liquidated damages and pre-judgment attorneys' fees and expenses computed through October 16, 2023, and \$412,144.11 in interest on the backpay). In the event that Defendants pay all backpay on November 10, 2023, the total amount of interest it shall pay on that date is \$1,011,727.34 (i.e., \$595,228.73 in interest on the liquidated damages and pre-judgment attorneys' fees and expenses paid computed through October 16, 2023, and \$416,498.61 in interest on the backpay).

SO ORDERED.

Dated: November 2, 2023  
New York, New York

  
Vernon S. Broderick  
Vernon S. Broderick  
United States District Judge